



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record of the 1981st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 19 April 2023, at 3 p.m.

Chair: Mr. Heller

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of Colombia (continued) (CAT/C/COL/6; CAT/C/COL/QPR/6)

1. *At the invitation of the Chair, the delegation of Colombia joined the meeting.*
2. **Ms. Taylor Jay** (Colombia) said that resolving the crisis created by more than fifty years of armed conflict was the Government's priority. The Government had been given a mandate to put an end to the conflict by pursuing a policy of what it referred to as "total peace". That policy involved not only coercive measures but also efforts, informed by a dialogue with representatives of armed groups, to eliminate the root causes of armed conflict.
3. Progress was being made on the investigations into the serious human rights violations committed against the backdrop of the armed conflict and in the prosecution and punishment of the perpetrators. Victims were given the opportunity to participate as fully as possible in the relevant judicial proceedings. In exchange for shorter sentences, members of the high command of the Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People's Army) (FARC-EP) had accepted responsibility for the crimes committed under their authority and had helped to bring out the truth about what had occurred. They would also perform community service with a view to helping make their victims whole.
4. The Presidential Advisory Office for Human Rights led inter-agency efforts to prevent the recruitment of young people by illegal armed groups, and steps were being taken to create safe environments for children and adolescents, including in the context of migration. Efforts were also being made to mitigate the risks faced by human rights defenders and community organizers, in particular in campesino communities, Indigenous communities and communities of Colombians of African descent.
5. Although measures to clamp down on social protest had led to abuses in the past, the Presidential Advisory Office for Youth was making every effort to ensure that protesters – young protesters, in particular – were involved in broad-based discussions concerning the political and economic causes of their grievances. Social justice policies were being developed in a bid to reduce the high levels of inequality that contributed to social unrest. The Colombian authorities were fully committed to investigating reports of rights violations, including incidents in which protesters had been held in unofficial places of detention, that had occurred against the backdrop of the wave of protests that had begun in late April 2021.
6. Protocols on the use of incommunicado detention and the appropriate use of force by prison officials had been developed, changes had been made to improve health care for the prison population, and the capacity of the country's prisons had been expanded. Policies were being developed to resolve the remaining problems, including the failure to ensure that persons awaiting trial and those serving sentences were always held separately.
7. State agencies were working in cooperation with one another to use judicial means to dismantle the criminal organizations responsible for the most serious forms of violence besetting the country. As part of the new, more effective approach that was being used to do so, in its investigations into the killings of human rights defenders, the Attorney General's Office proceeded on the initial assumption that the victims had been killed because of their defence of human rights.
8. The Comprehensive Victim Support and Reparation Unit was responsible for ensuring that victims of human rights violations committed in the context of the internal armed conflict obtained redress. The avenues provided by the existing legal framework for obtaining redress for rights violations committed in other circumstances were more complicated, however.
9. **A representative of Colombia** said that the Special Jurisdiction for Peace had completed two prioritization rounds in which it had opened 10 of what it called "macrocases" – namely, joined cases involving widespread patterns of criminal conduct. As a result of the first prioritization exercise, a number of the former leaders of FARC-EP had appeared before the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts

and Conduct and acknowledged their responsibility for hostage-taking, abduction and other serious forms of deprivation of liberty. Other members of the high command of FARC-EP had been held liable for their failure to prevent the commission of crimes against humanity and war crimes, including torture and sexual violence, by persons under their authority.

10. A number of military personnel and law enforcement agents had acknowledged their responsibility for extrajudicial executions in another macrocase, case No. 03. Members of the rank and file, who had not ordered killings, had been referred to the Judicial Panel for the Determination of Legal Status. Victims, whether collective or individual, participated in the proceedings before the Special Jurisdiction. As part of the second prioritization exercise, priority had been given to cases No. 08, concerning crimes committed by State agents which were not eligible for amnesty; No. 09, concerning crimes committed against ethnic communities and territories; and No. 10, concerning crimes committed by members of FARC-EP that were ineligible for amnesty.

11. Under the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, the Special Jurisdiction was responsible for imposing a range of sanctions, including prison sentences of up to 8 years, on persons who appeared before it to testify concerning their role in crimes committed in the context of the armed conflict. The sanctions, which could also include community service, combined elements of retributive and restorative justice. Measures had been taken to provide protection for persons who appeared before the Special Jurisdiction.

12. As a result of the progress made by the Special Jurisdiction, the Office of the Prosecutor of the International Criminal Court had decided to close a preliminary examination, which had been under way for 17 years, of the situation in Colombia. The Office would continue to be represented in Colombia, however, and it would provide technical assistance to the Colombian authorities, in particular in connection with the investigation of environmental crimes and crimes involving sexual violence.

13. **A representative of Colombia** said that the Attorney General's Office, which was part of the judicial branch of government, made every effort, in accordance with the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, to ensure that the Special Jurisdiction for Peace could fulfil its legal mandate. Progress had been made towards the resolution of nearly three quarters of the more than 400 killings of human rights defenders that had taken place in 2016–2021.

14. Since the signature of the Final Agreement, 440 crimes, including homicide, attempted homicide and enforced disappearance, committed against demobilized combatants who had reintegrated into civilian life had been reported. A majority of those crimes had been solved, and 80 per cent of the latter had been committed by members of criminal organizations such as the Clan del Golfo, dissident guerrilla groups and the Ejército de Liberación Nacional (National Liberation Army). The execution of the hundreds of arrest warrants that had been issued in connection with some of those offences had been hindered by a ceasefire recently arranged by the Government and the major armed groups active in the country.

15. The Attorney General's Office was also investigating crimes committed during the period of unrest that had lasted from late April to June 2021. A number of police officers, including a colonel, were being held to account for the killings of young people during a sweep of Siloé, a neighbourhood in Cali. Riot officers would shortly be facing charges for having caused eye injuries to protesters.

16. Protesters were charged with terrorism-related offences only when their acts had clearly exceeded the bounds of legitimate freedom of expression. On one occasion, for example, protesters had set fire to the Palace of Justice of Tuluá while, on another, in Popayán, they had burned down a local unit of the Attorney General's Office.

17. The Office supported the peace process and had done its part to encourage dialogue by rescinding the arrest warrants issued for members of some armed groups. It was also pushing for the adoption of a law that would bring the members of organized armed groups to justice and ensure that their victims, in rural areas in particular, obtained redress.

18. **A representative of Colombia** said that, since 7 August 2022, when the current President had assumed office, approximately half a million people had participated in public protests held in a total of at least 482 municipalities and that, according to government records, only seven people had been injured in those protests. The Government was committed to ensuring that that number kept falling. It was also developing methods of combating the institutional violence that had previously characterized law enforcement efforts to suppress social protests. The immediate aims of those measures were to train mediators to enter into a dialogue with protesters; to amend the protocols for the management of security force responses to protests; to revamp the country's national police force; to transfer authority over the police force from the Ministry of Defence to a civilian ministry; to amend the relevant legislation so that protesters could not be unjustly charged with terrorism-related offences; and to adopt a law to regulate social protests and uphold the right to participate in such protests.

19. Although the implementation of the Final Agreement was in many respects lacking, unprecedented budget allocations were being readied to help set up many of the programmes provided for in the Agreement, including a voluntary crop substitution initiative. Resources had also been set aside for land reform and for programmes that would help former combatants return to civilian life.

20. The protection provided by the National Commission on Security Guarantees had likewise led to a considerable reduction in the killings of social leaders and former members of armed groups who had been reintegrated into society. That decline was attributable in large part to the ceasefires secured as a first step towards a rapprochement with five armed groups. A mechanism for monitoring compliance with the ceasefire agreed upon with one of those groups would be introduced in April 2023.

21. Aware of the need to do more to eradicate political violence against social leaders, the Government had set about devising a public policy to protect human rights defenders, updating its existing prevention policies and overhauling the National Protection Unit. Representatives of human rights networks, social movements and women's groups had been duly consulted and invited to provide input.

22. **A representative of Colombia** said that the National Protection Unit was responsible for protecting the lives and personal safety of social activists and civil servants who were deemed by the Government to be at extraordinary or extreme risk. Whereas the Unit had traditionally provided protection for social leaders, human rights defenders, trade unionists, journalists, Afro-Colombian and Indigenous groups, and land restitution claimants, it now also offered protection for members of political groups, teachers, legal representatives involved in trials dealing with human rights violations and leaders of displaced populations. Between 2019 and 2023, almost 38,000 social leaders and more than 12,000 individuals belonging to the groups recently identified as being in need of protection had benefited from its services. Some 6,000 former combatants had also received protection from the Unit over the same period. The Unit had applied some 200 collective protection measures in rural and jungle areas where Afro-Colombian and Indigenous communities lived. Efforts were being made to modernize the Unit, including by upgrading its equipment, and to tackle corruption within it.

23. **A representative of Colombia** said that the Office of the National Police Commissioner for Human Rights had been established by Decree No. 113 of 25 January 2022 to strengthen respect for human rights within the national police force. The Office had a human rights observatory, a unit dealing with social conflict and a unit responsible for assisting social leaders and human rights defenders.

24. During the 2021 social protests, persons had been arrested and transferred to temporary detention facilities in accordance with Act No. 1801 of 29 July 2016, which authorized national police officers to carry out transfers for protective purposes. Transfers could take place when, for example, the person was involved in a quarrel, was experiencing a mental health crisis, was acting under the influence of drugs or alcohol, was engaging in violent or dangerous acts or was at risk of being attacked. Such transfers were strictly regulated. Arrested persons could not, under any circumstances, be transferred to national police facilities; the temporary detention facilities used for that purpose had to be fitted out

with security cameras and to have medical personnel on standby. The entry and exit of transferred persons were overseen by the Public Legal Service and the Ombudsman's Office. The arresting police officers were required to file a detailed report on the transfer. Transfers could not be carried out in parts of the country where appropriate detention facilities did not exist. Persons held in temporary detention facilities had access to a lawyer.

25. Reports that there had been cases in which the protocol governing protective transfers had not been followed during the 2021 national strike and that, in the city of Cali, arrested persons had been transferred to unauthorized facilities were being duly investigated. It was for the competent judicial authorities alone to determine which criminal offences had been committed in the context of the violence that had taken place during the 2021 social protests. Ensuring the compatibility of Colombian criminal law with the provisions of international human rights instruments enshrining the right of peaceful assembly remained a challenge; international partners could perhaps assist the Government in that endeavour.

26. In September 2022, an inter-institutional working group had been set up to shed light on the instances of arbitrary deprivation of life that had allegedly occurred during the 2021 social protests. Its functions included reviewing the status of ongoing legal proceedings and, if necessary, reopening proceedings that had been closed without due cause. National police officers received training on human rights issues from the International Committee of the Red Cross (ICRC) and training on the Convention against Torture and other human rights standards through the in-service training programme administered by the Directorate for Police Education.

27. In her 2022 report on the situation of human rights in Colombia (A/HRC/49/19), the United Nations High Commissioner for Human Rights had encouraged the State to promote a broad national debate on aspects of policing that required reform and to fundamentally transform the Mobile Anti-Riot Squad. A new manual on managing public gatherings and demonstrations and on riot control had been issued in March 2023, and a cooperation agreement had been signed with the Office of the United Nations High Commissioner for Human Rights with the aim of incorporating human rights standards into policing principles, enhancing dialogue with civil society, improving the content of police training programmes and strengthening disciplinary sanctions. Act No. 2179 of 30 December 2021 required national police officers to complete training courses on human rights and the use of force and to undergo skills assessments. Act No. 2196 of 18 January 2022, which established the disciplinary regime for the national police force, provided that the Counsel General's Office was the institution responsible for dealing with offences that constituted violations of international human rights law.

28. **A representative of Colombia** said that 93 per cent of the cost of providing health-care services to persons deprived of their liberty was covered by the Consorcio Fondo de Atención en Salud PPL (Prison Health-Care Fund Consortium), while the remaining 7 per cent was covered by a contributory insurance scheme. All persons entering the prison system underwent a needs assessment and, if required, affirmative action measures could be taken to ensure equality of treatment among inmates. Health-care services were delivered in a manner that took into account the specific needs of different groups of persons deprived of their liberty, such as members of the lesbian, gay, bisexual, transgender and intersex community, pregnant or breastfeeding mothers and older persons. Some 3,900 foreign nationals were currently being held in Colombian prisons; only 17 of those inmates did not speak Spanish, however. Around 840 of those inmates were currently participating in prison-run training programmes.

29. In 2019, a manual on the use of solitary confinement in special treatment units had been drafted with ICRC assistance with a view to improving existing procedures and preventing ill-treatment. Solitary confinement could only be imposed as a preventive measure or at the request of the persons deprived of their liberty themselves.

30. The same organization had also assisted in the development of a manual on the use of force in prison settings. Between 2019 and 2023, some 370 complaints of excessive use of force in prisons or of prisoner-on-prisoner violence had been received. Acts of prison violence and corruption could be reported to the authorities via a 24-hour hotline or via the new human rights observatory. All available information on the events that had taken place

in La Modelo prison had been turned over to the Attorney General's Office for use in its investigation. A protocol for managing crisis situations in prison settings was under development. Dispensing training on human rights to prison staff remained a challenge; to date, only 5 per cent of those staff members had received such training.

31. Although there were still some 122,000 persons deprived of their liberty in the country's prisons, overall, overcrowding had decreased, and conditions of detention had improved. However, many of the 23,000 persons in temporary detention facilities were living in inhumane and overcrowded conditions. The National Prisons Institute was working with the Ombudsman's Office and other State institutions to mitigate that problem; it was hoped that agreement could be reached on the construction of new prisons and temporary detention facilities.

32. **A representative of Colombia** said that, despite the steps taken to expand its capacity, the national prison system was currently housing 40,000 more inmates than it was intended to accommodate. Colombian criminal and prison policy was designed to promote the humane treatment of persons deprived of their liberty, as was evidenced by its four pillars: resocialization, restorative justice, assistance for accused and convicted persons, and alternative forms of punishment. That policy was implemented through a raft of administrative and legislative measures. Key proposed measures included bill No. 336 of 6 February 2023 on the modernization and humanization of the prison system and bill No. 254 of 2022, which would increase the budget of local correctional authorities and clarify the requirements concerning the strict separation of accused persons from convicted persons. The resocialization of prisoners was coordinated and carried out by an inter-institutional task force comprising representatives of all relevant government ministries. Pursuant to a recommendation emanating from civil society, there were also plans to introduce an array of indicators on prison conditions as a means of countering cruel, inhuman or degrading treatment in prisons.

33. **A representative of Colombia** said that, in cases of suspected torture or ill-treatment, including in prison settings, the Institute of Forensic Medicine duly followed the Minnesota Protocol on the Investigation of Potentially Unlawful Death and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), along with its own manual. In line with that manual, forensic medical assessments were to take into account pathological, psychological and contextual aspects, and cases of suspected torture or ill-treatment were to be handled by an interdisciplinary team.

34. Appropriate use had been made of the above-mentioned international protocols in cases involving sexual violence, enforced disappearance, femicide, acts of violence committed during the 2021 social protests, serious human rights violations, and injuries and deaths in prison settings. The other activities of the Institute of Forensic Medicine included compiling statistics, preparing court reports, accrediting forensic facilities and organizing training for professionals handling cases of suspected torture or ill-treatment.

35. **A representative of Colombia** said that a bill for the enforcement of the judgments of international human rights tribunals was currently before Congress, and a bill on a new national development plan, likewise before Congress, also referred to that need. The judgment of the Inter-American Court of Human Rights in *Bedoya Lima et al. v. Colombia* was being implemented by the Presidential Advisory Office for Human Rights and International Humanitarian Law and the Intersectoral Commission on Human Rights and International Humanitarian Law. The former, with the assistance of the victims and other partners, was in the process of designing and implementing a system for collecting information on acts of violence committed against journalists and acts of gender-based violence committed against female journalists, in particular.

36. The technical secretariat of the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations assisted local authorities in implementing the strategy established for that purpose. Between 2019 and 2022, technical assistance had been provided on some 1,400 occasions, approximately 280 local rapid response teams had been mobilized, and some 6,000 children and adolescents had received psychosocial assistance. In 2023,

technical assistance would be provided to more than 670 local authorities, workshops on psychosocial assistance would be organized for more than 7,000 people, 10 community initiatives to address risk factors for children and adolescents would be undertaken, and the index used to gauge the probability of child recruitment would be updated and used to prioritize future interventions. The public policy on the prevention of the recruitment of children and adolescents would also be updated on the basis of input from the United Nations Children's Fund (UNICEF).

37. **A representative of Colombia** said that there were some 1.6 million migrants under 29 years of age in the country and that thousands of administrative procedures had been undertaken to protect or restore their rights. As part of its efforts to assist children affected by the conflict in Colombia, the Government had provided support to over 700 children who had been victims of recruitment by armed groups. When handling cases involving minors, the justice system placed emphasis on non-custodial measures, as they were deemed to be the judicial approaches having the greatest restorative and therapeutic potential. The code of ethics applicable to the agencies that ran specialized treatment centres required them to administer medication only with a doctor's prescription, and those that did otherwise were subject to disciplinary action. That code also prohibited involuntary psychiatric treatment.

38. **A representative of Colombia** said that young people, who currently accounted for over 25 per cent of the population, had been severely affected by the inequalities existing in the country, which, beginning in April 2021, had triggered one of the largest and most widespread protest movements in the country's history. Thousands of protests had been organized and led, for the most part, by young people calling for social and economic justice. Regrettably, they had resulted in the death of over 60 people and about 2,000 injuries. The current Government had undertaken to investigate the situation of some 300 young people who had been arrested during the protests, including 86 who remained in detention and 40 who were still under house arrest.

39. The Government placed priority on social dialogue as a vehicle for change and had thus organized a round table of victims of rights violations committed during the protests. Community organizations and government agencies had also participated in those round tables and had corroborated claims put forward by the victims with a view to the prosecution of those responsible. A database had been set up and was continually updated with information on the situation of persons and groups victimized during the protests. The Total Peace Act of 2022 provided for the designation of spokespersons for peace, who would be responsible for fostering social dialogue when protests took place and would receive advice and support from the Presidential Advisory Office for Youth. The President had already appointed 17 young persons to act as spokespersons.

40. Some 25 per cent of young people in Colombia lacked opportunities to study or to enter the workforce. The Youth in Peace Programme was aimed at providing them with such opportunities so that they would not fall victim to recruitment by armed groups. That programme would benefit about 100,000 young people throughout the country.

41. **A representative of Colombia** said that, pursuant to its international obligations, Colombia already fully respected the principle of non-refoulement for persons who could be at risk of torture or other cruel, inhuman or degrading treatment or punishment if returned to their country of origin. It therefore did not consider it necessary to amend its existing laws. The system for granting temporary protection permits provided a way of allowing Venezuelan migrants to reside in the country and to work in any occupation that they chose during their stay in Colombia, provided such activities met all legal requirements.

42. The Colombian Government had worked with the Governments of Panama and the United States of America to draw up a road map for addressing the humanitarian and environmental issues raised by the increasing number of migrants who crossed the Darién Gap in an attempt to reach the United States. The road map called for regional coordination and shared responsibility on the part of all countries of origin, transit and destination for ensuring migrants' safety through good governance, improved information exchange and better security arrangements and migration management systems. The Colombian Government had also established border support centres to offer guidance and assistance to refugees, migrants, returnees and stateless persons when they crossed the border. The centres

were run by national institutions and local bodies and incorporated the activities of both public and private bodies and of non-governmental organizations.

43. **A representative of Colombia** said that, between January 2019 and February 2023, the Central Register of Victims had inputted the names of over 8,600 persons who had been victims of torture or cruel, inhuman or degrading treatment or punishment involving attacks on their sexual integrity or freedom, 90 per cent of whom were female, and nearly 500 names of persons who had been subjected to torture in the context of the armed conflict, about a third of whom were women or girls. Among those victims, approximately 3,200 were from ethnic groups, over 450 were children and some 1,000 were persons with disabilities. During that period, the Government had provided approximately US\$ 12 million in compensation to nearly 1,600 women.

44. Other reparation strategies included means of redress for physical and psychological trauma and various types of rehabilitation, including psychosocial support that incorporated a women-focused approach. Nearly 8,000 women had benefited from such measures between 2019 and the present, including over 2,300 who had been victims of aggression. In addition to victims of sexual abuse or attacks, the Government also provided reparation and assistance to women who were victims of forms of aggression such as sexual slavery, enforced prostitution, enforced labour, forced pregnancy, forced sterilization or forced abortion.

45. **The Chair** (Country Rapporteur) said that the Inter-American Court of Human Rights had issued a judgment in January 2023 in which it had found the State of Colombia responsible for the death of some 6,000 members of the Unión Patriótica (Patriotic Union) political party, which had included former members of insurgent forces. He would like to know how the State party intended to arrange for compensation for the victims.

46. With regard to the measures being taken to improve the work of the National Commission on Security Guarantees and the guidelines for efforts to dismantle criminal organizations, he would like further information on the implementation of the recommendations issued by the Truth Commission. The Committee had received reports that it was very difficult to obtain sensitive information relating to human rights abuses from certain official bodies. It would be interested to find out to what extent access to that information was restricted owing to a need for confidentiality and in what circumstances information could be divulged. He would like to know whether a monitoring committee had been established under the Truth Commission and whether the Commission's recommendation to create a government ministry for peace and reconciliation had been given due consideration. The State party had cited an enormous number of bodies and agencies that were responsible for the protection of human rights, and he wondered if one of those agencies centralized the authorities' efforts in order to ensure their consistency and coordination or if there were plans to establish such an institution.

47. The Committee had received reports that the adoption in 2022 of a law governing citizen security effectively extended the discretionary powers of law enforcement personnel. In that connection, the delegation's explanation regarding the responsibility of high-ranking officials of the armed forces and of FARC had been very useful. While it was understandable that non-State organizations such as FARC could be labelled as terrorist organizations because of the nature of their activities, the Committee was concerned about the usage of the term "terrorism" in the context of the prosecution of protesters. He welcomed the decline in the level of violence that had been cited by the delegation, especially in the light of the protests that had taken place in 2022 and the adoption of a protocol designed to ensure the safety of participants in social protests.

48. The solution for prison overcrowding was not the construction of new prisons, but the use of alternatives to incarceration. International cooperation, including support from other countries and from ICRC, was central to efforts to improve conditions of detention in Colombia. The Committee would therefore like to know whether the Government was developing bilateral cooperation programmes to address resource shortages in the penitentiary system, reduce violence, tackle prison overcrowding and improve training among prison staff.

49. **Mr. Iscan** (Country Rapporteur) said that he was concerned about the extradition of members of non-State armed groups or criminal groups. In its previous concluding

observations, the Committee had expressed concern that the extradition of the chief commanders of the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia) (AUC) to stand trial for drug trafficking had had a negative impact on the investigations conducted as part of the justice and peace process. It had also expressed concern about serious abuses committed against civilians by the armed groups formed in the wake of the demobilization of paramilitary organizations. The Committee had stated that amnesties for the crime of torture were incompatible with the obligations of the State party under the Convention and had recommended that the State party ensure that the extradition of the members of AUC would not impede investigations into crimes which they and paramilitary groups had committed. The Committee would renew its concluding observation on that subject and would call upon the Government to ensure that any negotiation with non-State armed groups or criminal organizations fully guaranteed the rights of victims to truth, justice, reparation and guarantees of non-repetition.

50. In the context of the coronavirus disease (COVID-19) pandemic, the Government had reportedly declared a state of emergency. He would like to know whether it was still in place and to what extent the pandemic had specifically affected vulnerable groups, including women, Afro-Colombians and persons with disabilities.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

51. **Ms. Taylor Jay** (Colombia) said that the State party was going through a process of change which would take time. The Government was nonetheless committed to improving safeguards for human rights and providing sufficient reparations for all victims.

52. **A representative of Colombia** said that, thus far, some 75,000 offences had been attributed to former members of paramilitary groups, including approximately 1,000 instances of torture, 686 of which had been attributed to eight individuals who had been extradited to the United States. Some €208 million had been collected from the confiscated property of paramilitary groups that would be used for compensation for the victims.

53. Seven employees of the National Prisons Institute (INPEC) had been charged with torture following the events at La Modelo prison in 2020. In addition, a further three INPEC employees and one firefighter had been charged with neglect following a riot that had led to the outbreak of a fire at a prison facility in Tuluá. Investigations into both events were ongoing with a view to determining the responsibility of senior INPEC officials.

54. Trials were ongoing to identify the role of members of criminal groups and their leaders during recent civil protests and to determine whether their alleged actions could be properly classified as terrorism under the established definition of that offence. The burden of proof lay with the prosecution, however. The autonomy of the prosecutors and judges would be respected, and the correct investigation procedures would be carefully followed.

55. **A representative of Colombia** said that the State had established bilateral initiatives with various States and international organizations with the aim of improving prison conditions. ICRC had provided technical and financial support across a range of projects aimed at combating ill-treatment in prisons, improving conditions for inmates with disabilities and promoting alternatives to incarceration. Support had also been provided by the United Nations Development Programme (UNDP) in the area of restorative justice and by the United Nations Office on Drugs and Crime in combating corruption and drug abuse in prisons and in promoting social reintegration.

56. **A representative of Colombia** said that the legislature was currently drawing up a bill to provide further guarantees for the right to social protest, as provided for in the peace agreement, and the national police force would also be engaging in an in-house round of discussions concerning the issue of transfers for protective purposes. In addition, the Ministry of National Defence had published a circular on violations of international human rights law that would serve as a basis for proposals for ways of improving the Government's response to civil protests.

57. The State was working with various international partners on matters such as gender mainstreaming and training in the appropriate use of force. It had received US\$ 1.25 million in funding from the United States, which was being administered by UNDP, for the work being pursued by Colombia with the United Nations High Commissioner for Human Rights.

58. With regard to the case of Claudia Julieta Duque, a number of accused persons had yet to be brought to account. The police were continuing to pursue the case, with the direct support of the National Police Commission.

59. **A representative of Colombia** said that, as a democratic nation, Colombia placed priority on a dialogue-based approach to conflict resolution. The Government was pursuing policies to protect the right to social protest both through the adoption of legislation and through cooperation with civil society and national institutions, and those efforts included measures aimed at preventing the abuse of transfers for protective purposes. Furthermore, in September 2020, the Supreme Court had ruled that a protocol should be developed to ensure that all government officials remained neutral in the face of civil protests. Steps were being taken to ensure that the right to protest was fully protected and that the law was not misapplied and used to charge protesters with criminal offences without compelling evidence. The recommendations made in connection with the issue of social protests by the Committee in its last concluding observations and by various Rapporteurs quite recently were being incorporated into the legislation currently being developed.

60. While there had initially been insufficient institutional and budgetary support for various actions called for in the peace agreement, the Government was now working to breathe new life into the efforts being made in those areas by, among other measures, significantly increasing the budget allocations for that work.

61. **A representative of Colombia** said that the state of emergency introduced in response to the COVID-19 pandemic had been lifted in June 2022.

62. **A representative of Colombia** said that, in line with its duty to ensure human security as part of the peace effort, the State was pursuing community-focused actions, such as the Peaceful Youth Initiative, which provided education to vulnerable young persons and promoted shared responsibility and social service.

63. **A representative of Colombia** said that the Inter-American Court of Human Rights had issued its ruling on the case brought by former members of the Patriotic Union against Colombia on 30 January 2023. The Intersectoral Commission for Human Rights had reviewed the case on 30 March 2023, and it had agreed to hold a second session to determine where responsibility for providing the corresponding reparations lay.

64. **A representative of Colombia** said that, in June 2022, a committee had been established to monitor and follow up on the recommendations of the Commission for the Clarification of the Truth, Coexistence and Non-repetition. The committee was a fully independent organization without legal personality. Its members served as public officials, and it was currently chaired by an indigenous person. Funding for the committee was provided by the Government and managed by the Special Court for Peace.

65. **Mr. Gallon** (Colombia), speaking both as the Permanent Representative of Colombia to the United Nations and other international organizations in Geneva and as a member of the delegation, said that, according to both national law and jurisprudence, the extradition of paramilitary leaders could be postponed to ensure that victims' right to justice was upheld. That right had not been respected in the extradition of paramilitary leaders in 2008 or in the extradition of Dairo Antonio Úsuga, known as "Otoniel", in 2022. The decision taken in each of those cases was legally dubious, and the State hoped to identify who was responsible for the harm that those decisions had caused to victims.

66. He could assure the Committee that his Government would continue to pursue its reform efforts aimed at strengthening social trust in the national police force and increasing its protection of human rights. The Government was also committed to making legislative, budgetary and institutional changes to improve prison conditions and prevent torture, including by ratifying the Optional Protocol, and to ensuring that all victims of human rights violations received comprehensive, effective and timely reparation. It would thus continue to work with the international community in order to give full effect to the Committee's recommendations.

The meeting rose at 6.05 p.m.